

## REMARKS

### Claim Changes

Claims 1, 9, 13, 23, and 27 are amended to recite “allocating at the link transmitter the plurality of data credits to a plurality of logical channels” These changes are based at least on the description on page 6, line 29 to page 7, lines 17 of the specification as filed. Thus, no new matter is added.

Claims 5, 11, 15, 25, and 29 are amended to clarify and simplify the language in light of currently amended claims 1, 9, 13, 23, and 27 respectively.

Claim 17 is amended to more clearly recite the claimed invention. Support for the changes can be found on page 6, line 29 to page 7, line 17. Thus, no new matter is added.

Claims 4, 14, and 28 are amended to remove unnecessary limitations.

Claims 6, 12, 16, 26, and 30 have been cancelled without prejudice or disclaimer.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

### Voluntary Amendment to the Specification

Applicant has voluntarily amended the specification to add application numbers of related cases for the purpose of clarification. No new matter is added with this amendment.

### Objection to the Specification

The Office Action dated May 17, 2007 states on page 2 that “[C]laims 23 and 27 recite the limitation 'computer readable medium'.... There is insufficient antecedent basis for this limitation in specification.” In response to the objection, Applicant respectfully submits that the specification provides support to claims 23 and 27. Particularly, page 4, lines 7-15 of the specification describe “[S]witch fabric network 100 can include both module-to-module (for example computer systems that support I/O module add-in slots) and chassis-to-chassis environments (for example interconnecting computers, external storage systems, external Local Area Network (LAN) and Wide Area Network (WAN) access devices in a data-center environment).” Thus, contrary to the statement in the Office Action the specification provides sufficient antecedent basis for the limitation “computer readable medium” recited in claims 23 and 27. Accordingly, the objection to the specification is believed to be moot.

### Objection to the Claims

In response to the objection to claims 1-16, and 23-30 for informalities, Applicant has reworded claims 1, 9, 13, 23, and 27 for clarity, as suggested in the Office Action. Accordingly, the objection is believed to be moot. Applicant respectfully requests the objection be withdrawn.

Dependent claims 2-8, 10-12, 14-16, 24-26, and 28-30 depend on claims 1, 9, 13, 23, and 27. Thus, the objection to the dependent claims 2-8, 10-12, 14-16, 24-26, and 28-30 is also believed to be moot. Accordingly, Applicant respectfully requests the objection be withdrawn.

### Provisional Rejection under Obvious Type-Double Patenting

Claims 1, 5-12, and 23-26 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5-9, 14-17 and 19-21 of copending application no. 10/671203. Applicant notes these provisional rejections are just that, provisional, and will respond when and if the rejections are finalized.

### Rejection of claims 4, 14, 23-30 under 35 U.S.C. § 112, second paragraph

The Office Action rejected claims 4, 14, and 28 under 35 U.S.C. §112, second paragraph. The Office Action dated May 17, 2007 states on page 10 that “[R]egarding claims 4, 14, and 28, the phrase 'substantially' renders the claim indefinite....” In response to the rejection Applicant

has amended claims 4, 14, and 28 to remove the limitation “substantially.” Applicant submits that claims 4, 14, and 28 as amended overcome this rejection. Accordingly, the rejection is believed to be moot. Accordingly, Applicant respectfully requests the rejection be withdrawn.

According to the Office Action, claims 23-30 are also rejected under 35 USC § 112, second paragraph, but no specific reasons are given for this rejection. To the extent that the rejection corresponds to the rejection under 35 U.S.C. § 101, discussed below, Applicants have amended the claims to correct the language of the claims. Otherwise, Applicants request specific information regarding this rejection so that an adequate response can be prepared.

#### Rejection of claims 23-30 under 35 U.S.C. §101

Claims 23-30 are rejected under 35 U.S.C. § 101. Claims 23 and 27 have been amended to recite “[A] computer-readable medium encoded with computer executable instructions . . .” The amendments are believed to be within the spirit of the amendments suggested by the Office Action and consistent with conventional computer readable medium claim language. Accordingly, the rejection is believed to be moot. Accordingly, Applicant respectfully requests the rejection of independent claims 23 and 27 under 35 U.S.C. § 101 be withdrawn.

Claims 24-26 and 28-30 depend from, and include all the limitations of independent claims 23 and 27. Therefore, Applicant respectfully requests reconsideration of dependent claims 23, and 27 and requests the withdrawal of the rejection.

#### Rejection of Claims 1, 7-9, 17, 21-23 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,922,408 (Bloch) in view of US 6,594,701 (Florin)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1, 7-9, 17, 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Bloch in view of Florin as herein amended.

The Office Action on page 12 states “[A]s to claims 1 and 9, Bloch shows the steps of providing from a link receiver a plurality of data credits to a link transmitter (col. 7, lines 18-21; shows that the receiver updates the available credits and when possible, provides additional credits to the transmitter.) transmitter from the link transmitter a packet to the link . . .” Also, the Office Action on page 16 states “[A]s to claim 23, Bloch shows a computer-readable medium

containing computer readable instructions (col. 5, lines 2-4 shows that entity 27 also comprises a network host.), for instructing a processor . . .”

Applicant respectfully submits that the combination of Bloch and Florin does not teach or suggest all the claim limitations as set forth in independent claims 1, 9, and 23, as amended. Specifically, independent claims 1, 9, and 23 recite “allocating at the link transmitter the plurality of data credits to a plurality of logical channels” which is not taught or suggested by the combination of Bloch and Florin.

Bloch is directed to a method for link-level flow control wherein maximum limits of transmission credits are assigned to the logical links by the receiving entity. See Bloch, abstract. Also, col. 4, line 16-22 of Bloch describes “the receiver being adapted, responsive to traffic from the transmitting entity to the receiving entity on a given one of the logical links, to allocate one or more of the credits to the given logical link when the receiver determines that a total of the credits allocated to the given logical link is no greater than the respective maximum limit...” Thus, in Bloch the receiver allocates data credits to the logical channels. Therefore, Bloch fails to describe allocation of data credits by the transmitter. Also, Applicant has carefully reviewed Florin and Applicant respectfully submits that Florin fails to describe “allocating at the link transmitter the plurality of data credits to a plurality of logical channels.”

Additionally Applicant agrees with the statement on page 24 of the Office Action “[H]owever, Bloch in view of Florin does not show that the link transmitter selects to which of the plurality of logical channels to allocate the additional data credits.”

In view of the foregoing, Applicant respectfully submits that the combination of Bloch and Florin does not teach or suggest the claim limitation of “allocating at the link transmitter the plurality of data credits to a plurality of logical channels” as required by independent claims 1, 9, and 23, as amended. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1, 9, and 23 under 35 USC 103(a). Applicant requests that claims 1, 9, and 23 be now passed to allowance.

As to independent claim 17, Applicant respectfully submits that the combination of Bloch and Florin does not teach or suggest all the claim limitations as set forth in independent claim 17, as amended. Specifically, independent claim 17 recites “after the link transmitter allocates a plurality of data credits to a plurality of logical channels” which is not taught or suggested in the combination of Bloch and Florin for the reasons described above. Since the combination of

Bloch and Florin fails to disclose Applicant's claimed invention as claimed in independent claim 17, Applicant respectfully requests withdrawal of the rejection of claims 17 under 35 USC 103(a). Applicant requests that claim 17 now be passed to allowance.

Dependent claims 7-8, and 21-22 depend from, and include all the limitations of independent claims 1, and 17. Therefore, Applicant respectfully requests the reconsideration of dependent claims 7-8, and 21-22 and requests withdrawal of the rejection for the reasons given above for the independent claims.

Rejection of Claims 2-4, 10, 13-14, 18-20, 24, and 27-28 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,922,408 (Bloch) in view of US 6,594,701 (Florin) in further view of US 7,023,799 (Takase)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 2-4, 10, 13-14, 18-20, 24, 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Bloch in view of Florin and further in view of Takase as herein amended.

As to independent claim 13 and 27, Applicant respectfully submits that the combination of Bloch, Florin and Takase does not teach or suggest all the claim limitations as set forth in independent claims 13 and 27, as amended. Specifically, independent claims 13 and 27 recites "allocating at the link transmitter the plurality of data credits to a plurality of logical channels" which is not taught or suggested in the combination of Bloch, Florin, and Takase for the reasons described above. Since the combination of Bloch, Florin and Takase fails to disclose Applicant's claimed invention as claimed in independent claim 13 and 27, Applicant respectfully requests withdrawal of the rejection of claims 13 and 27 under 35 USC § 103(a). Applicant requests that claims 13 and 27 now be passed to allowance.

Dependent claims 2-4, 10, 14, 18-20, 24, and 28 depend from, and include all the limitations of independent claims 1, 9, 13, 17, 23, and 27 so that the dependent claims are patentable over the cited combination for the reasons given above for the independent claims. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-4, 10, 14, 18-20, 24, and 28 and requests withdrawal of the rejection.

Rejection of Claims 5-6, 11-12, and 25-26 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,922,408 (Bloch) in view of US 6,594,701 (Florin) in further view of US 6,944,173 (Jones)

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 5, 11, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Bloch in view of Forin and further in view of Jones.

The Office Action on page 24 states “[A]s to claims 5, 11 and 25, Bloch in view of Forin shows the link transmitter... However, Bloch in view of Forin does not show that the link transmitter selects to which of the plurality of logical channels to allocate the additional data credits. Jones shows the link transmitter selects to which of the plurality of logical channels to allocate the additional data credits (col. 2, lines 13-21)....”

Jones describes “[A] unique virtual channel number is assigned for that particular virtual channel, and is included in the virtual channel credit packet.” See Jones, col. 2, line 13-15. Furthermore, col. 2, line 10-13 of Jones describe “[In] accordance with this invention, the receiver first sends a virtual channel credit packet for a particular virtual channel to the transmitter....” Thus, contrary to the statement in the Office Action, in Jones a receiver assigns a virtual channel number and sends a virtual channel credit packet which includes the virtual channel number. Therefore, Jones fails to describe “selecting from the plurality of logical channels to allocate the additional data credits at the link transmitter” as recited by claims 5, 11, and 25.

Additionally, claims 5, 11, and 25 depend on independent claims 1, 9, and 23 which are deemed to be allowable for reasons described above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 5, 11, and 25 and requests withdrawal of the rejection.

Rejection of Claims 15-16, and 29-30 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,922,408 (Bloch) in view of US 6,594,701 (Florin) in further view of US 7,023,799 (Takase) and in further view of US 6,944,173 (Jones)

Dependent claims 15 and 29 depend from, and include all the limitations of independent claims 13 and 27. Therefore, Applicant respectfully requests the reconsideration of dependent claims 15 and 29 and requests withdrawal of the rejection.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department

Customer Number: **22917**

By: /Simon B. Anolick/

Simon B. Anolick  
Attorney for Applicant  
Registration No.: 37,585  
Telephone: 847-576-4234  
Fax: 847-576-3750